A guide to personally exporting a race car for use at EU race events (or EU cars for use at UK race events). Now extended to cover freight transportation.

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Introduction

For some time, despite all I read to the contrary, I have not been convinced that the ATA Carnet exemption which is both expensive and inflexible is the only option available to avoid customs duties when temporarily taking our race cars to the EU to participate in an overseas event. I therefore used my legal background to look at the actual regulations. This is a complicated subject but if you read this note carefully, and take copies with you of relevant legislation, you will feel more empowered at the border!

Background

This note explains initially how UK domiciled racing cars (i.e. cars normally kept in the UK and are therefore within the UK VAT tax net) may be temporarily exported from the UK to the EU and returned from the EU. By 'temporary', we mean for a period not exceeding six months at a time. It's also important that they are returned in an unimproved condition (e.g. that they are not renovated in some way when abroad).

Typically, therefore, this note covers the position when we take our cars (and spares and tools) abroad for a weekend or two's racing. It covers owners personally taking their car(s) abroad, typically by trailer. It is also relevant for taking other people's cars to race, although not through the freight channel.

This procedure is an alternative to the ATA Carnet procedure, and its advantage is that it is more flexible and does not cost any money. You do not need an ATA Carnet.

Please note that there is a simple method which applies to DVLA registered vehicles owned and raced by UK resident individuals. This will be dealt with at the very end of this note.*

I deal with bringing EU cars to the UK at the end of this document ('Further Thoughts 1'), but please read the whole of this document to contextualise my note. In a nutshell, similar mirror-image regulations permit EU cars coming to the UK under this Temporary Importation Procedure for sporting goods.

Please also note, do not take consumables (practically, petrol in jerry cans) across the border, certainly without declaring and paying duty on them which will be a complete faff.

The UK Customs

The UK Customs will want to satisfy itself only in relation to the UK requirements and not those of the EU! So, they don't care about items leaving the UK as such, but they do care about making sure that goods returning to the UK have had appropriate UK duties (i.e. VAT) paid on them.

Customs accept that UK-domiciled goods (i.e. those usually kept in the UK and which are within the VAT net to begin with) may be re-imported after a temporary export without charge to VAT. Technically, this 'Returned Goods Relief' (sometimes called the 'Duplicate List Procedure') only applies to certain items, but we are advised that it does apply to racing cars temporarily exported by private individuals.

The Returned Good Relief procedure is a form (C&E 1246) presented to UK Customs (in duplicate!) when leaving the UK identifying and listing the goods in question (the car, relevant tools and spares). There will

be a Customs post at every recognised point of exit for private individuals, or you can do the procedure at pre-exit private individual Customs posts at some places (e.g. at STOP24 on the M20 approach to Folkstone/Dover). Don't get fobbed off to the freight posts!! Customs will probably ask to look at the items in question and then stamp the form and the duplicate and give the duplicate to you. When you return to the UK, you must simply go to the UK Customs post with the stamped duplicate; they will probably look at the goods in question and then allow you on your way.

The EU Customs

The EU Customs will want to charge you import taxes (VAT or their equivalent) on the importation of your race car to the EU, so you have to be able to apply for regulatory relief from this obligation.

Other than the ATA Carnet procedure, there are two reliefs provided for in the EU Regulations (Commission Delegated Regulation (DA) 2015/2446) under Articles 212 and 213 (for 'means of transport') and Article 219 (for 'goods intending to be used for sports purposes'. Note, not just professional sports purposes.). Both reliefs cover tools and spares associated with the race car. The reliefs are known as 'Temporary Importation Reliefs'. Article 136 allows for 'oral declarations' to be made at the border to claim the regulatory relief in relation to these items.

It can be unclear whether a race car is a 'means of transportation'; it depends upon the type of car. Also, the 'means of transportation' relief requires the goods to be owned, and used in the EU, only by non-EU residents. So, if relief is being claimed under this heading, you should have proof of this which may be difficult. On the other hand, the 'sports goods' exemption requires that the goods are being exported by a 'traveller' (defined in Article 1(40) as, inter alia, any natural person who enters the EU temporarily and is not normally resident there); there is no ownership or use requirement. But be prepared to prove the car's participation in the sports event (entry listings and other documentation from the organisers together with corresponding chassis numbers and so on).

So, it may be wise in applying these guidelines to your race car to hedge your bets and claim relief under both Articles to be safe! In practice, this is easily done. The 'sports goods' exemption seems more flexible.

In order to claim this relief (under Article 212/213 or 219), you either have to make an 'oral declaration' at the EU Customs post at the point of entry or an 'active declaration'.

An 'oral declaration' means that you turn up at the EU Customs' post, say 'I am claiming Temporary Importation Relief' and present (in duplicate!!) a form known as the Annex 71-01 form (also known as a 613 form). There will be an EU Customs post for private individuals at all recognised points of entry; do not be fobbed off to join the freight customs queue!!

The Annex 71-01 form is a simple form listing the goods in question (i.e. the car and the tools and spares intended also to be used for sports purposes), where their intended place of use will be (i.e. the destination circuit(s)), the period of expected importation and so on.

The EU Customs official will likely then look at the items in question and then stamp the form and the duplicate, giving you the duplicate and sending you on your way.

Upon your return, you must report to the EU Customs post at the point of exit from the EU and present the stamped duplicate Annex 71-01 form. EU Customs will probably want to look at the goods in question, they will keep the form and send you on your way.

An 'active' also known as a 'by conduct', declaration means that you simply cross the border into the EU country without stopping. This sounds odd; it means that you make no declaration to the EU Customs and

drive on through as if you weren't towing the car! That doesn't sound very 'active' but there we are. Article 141 allows this and sets out how to do it (i.e. drive on through without stopping).

So, what if you are stopped by French Customs either at the point of entry or at some point in the EU? What do you say? You say this,

I am a traveller to the EU (i.e. I live outside the EU and I am temporarily visiting the EU),
My race car and associated spares and tools are 'means of transport' and/or 'goods for sports purposes' eligible for Temporary Importation Relief under Article 136(1)(a) and (b) respectively,
Either,
I have made an oral declaration at the point of entry, and show them the stamped duplicate Annex 71-01 form, or
The goods are deemed to be declared for temporary admission under Article 139(1) by the sole act of passing though the green channel or the customs office as set out in Article 141(1).
Be prepared to prove your entry in the sports event by showing entry lists and so on. It would be useful to show on the entry list the chassis number corresponding to the vehicle in question.
Cross your fingers and smile sympathetically.

***DVLA registered vehicles**

These vehicles may simply be towed across the border and back again without stopping at any Customs posts at all. You should have the V5 document with you in the name of a non-EU resident person, of course. In the context of EU Customs, it is therefore the same procedure as for an unregistered race car using the 'active declaration' procedure. Such a vehicle is deemed to be a 'means of transport' because of its DVLA registration.

The 'DVLA registered vehicle' route takes advantage of the 'means of transportation' exemption set out in Article 136(1)(a). A point to note is that Article 212(2) restricts the availability of this exemption only to vehicles to be used by non-EU persons. If this is not to be the case, then the vehicle would of course still be entitled to the 'goods for sports purposes' exemption as set out in Article 136(1)(b) and with that route whilst (in my opinion) you should be able to rely on the deemed declaration under Articles 139(1) and 141(1), as explained above, you may decide that it is safer to make an oral declaration with the Annex 71-01 form.

The difference is with the UK Customs. With an unregistered car, you will have to apply for Returned Goods Relief, but with a DVLA registered car, the UK Customs will permit re-entry to the UK without the exit-stamped form C&E 1246 being presented because they can identify that it's a UK domiciled car due to its registration.

Conclusion

We at the HGPCA have now successfully trialled the above procedures on the Portsmouth/Caen route with a non-road registered single seater. We learned that it might be helpful also to have the French language Annex 71-01 form to hand, but nevertheless we did get through (and returned!) successfully.

In the early days of using this exemption, I would be mindful that EU Customs' officials might not have encountered it before. Therefore, I would have to hand all the forms, statutory regulation extracts, proof of event entry and so on, whether in electronic or paper form. You may decide to prepare for an oral declaration (i.e. have the completed Annex 71-01 form and copy to hand) rather than to rely on an active declaration.

Whilst we do now have experience that this route has been accepted by UK and French Customs officials, please do not take this as an assurance by me, the HGPCA or HMRN that it will work at whatever customs point you are at……..

Documentation

You may decide to have with your documents the relevant Articles to underpin your rights.

The DA 2015/2446 may be found here;
https://www.legislation.gov.uk/eur/2015/2446/contents

The Annex 71-01 form may be found here;
https://www.legislation.gov.uk/eur/2015/2446/attachment/32

The UK Customs form C&E 1246 may be found here
https://www.gov.uk/government/publications/import-and-export-returned-goods-relief-declarations-for-using-duplicate-lists-ce1246

Further thoughts 1: non-UK cars

There are mirror-image regulations for EU-based cars coming to the UK for events.

After some discussion with HMRC, they have revised their Guidance Notes on 10 March 2023. They now explicitly say that the Sporting Goods temporary importation procedure may be applied for at the point of entry either by an oral declaration (accompanied by a completed Form C108, in duplicate) or by conduct (ie, passing through the 'green channel' without stopping and with no forms).

This is a very important development since it means that no prior application to use the Temporary Importation Procedure is required (which would have had the likely consequence of HMRC requiring a financial guarantee). The Form C108 is very easy to complete, if one wishes to make an oral declaration. It can be obtained from the link set out below.

EU racers temporarily bringing their cars into the UK for a race meeting using this procedure will still have to ensure that, when they return to the EU, they have available the Returned Goods Relief form which must have been presented and stamping upon leaving the EU on the way to the UK. This form (INF 3 form) must contain all the information set out on Appendix 62-01 of the EU 2015/2446 Regulations (the Articles permitting this are 158 and 160). IThe English language version is to be found here

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895276/C_E_1158.pdf

Et en Français ici: https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:31976R2945&from=SV
It looks complicated but I don't think that it's too bad.

My advice would be to ensure that the INF 3 form is duly stamped on the way out of France (or other EU country), to make a 'by conduct' declaration but with a back up of a duly completed C108 Form just in case UK HMRC ask for one. And, I would ensure that I have evidence of EU ownership of the race vehicle (even although I do not believe that the relief is restricted to owners crossing the border) and of participation in the sporting event (eg, race entry list).

Please note that I have only explored non-freight export vehicle movements at this stage (see 'Further Thoughts 2' below).

The revised HMRC Guidance may be found here:

https://www.gov.uk/guidance/check-if-you-can-get-import-duty-relief-on-goods-using-temporary-admission#personal-effects-and-goods-for-sports-purposes

https://www.gov.uk/guidance/apply-to-import-goods-temporarily-to-the-uk-or-eu (includes a link to C108 form)

Further thoughts 2: freight travel

Freight travellers are able to access the same Temporary Importation Relief as private individuals, thus preparers are able to take advantage of this relief on behalf of their customers. I would recommend oral declarations and not 'by conduct' declarations for freight carriers. The effect of this is that one would stop at UK Customs on the way out to get the C&E 1246 form completed and at French Customs to make the oral declaration with the completed 71-01 forms. Upon return, stop at French customs to present your stamped copy 71-01 form and at the UK customs to present your stamped copy C&E 1246 form.

In terms of the GMR position, see https://www.gov.uk/guidance/get-a-goods-movement-reference where it says the following,

When you declare goods orally or by conduct

You can declare certain goods orally or by conduct at the border. 'By conduct' means that when you arrive at a point of exit or entry for Great Britain, you can make a 'declaration by conduct' by:

walking through a customs control point (this can be a green channel signed 'nothing to declare') with the goods, if you're an individual on foot

driving (or being driven) past a customs control point with the goods inside your vehicle, if you're importing or exporting goods in a vehicle

continuing your onward journey, if there are no customs control points

You'll need to get a goods movement reference if you're moving an empty trailer or any other commercial goods that can be declared orally or by conduct https://www.gov.uk/government/publications/list-of-goods-applicable-to-oral-and-by-conduct-declarations (ACTUALLY I WOULD ARGUE THAT RACE CARS ARE NOT COMMERCIAL GOODS BUT ARE PRIVATE ASSETS TO BE USED FOR PRIVATE PURPOSES) for either:

goods moved from Great Britain to Northern Ireland

goods moved from the EU (not including Ireland) to Great Britain

goods moved from Great Britain to the EU

You can do this by selecting either the 'oral or by conduct declarations' or 'empty' option within the Goods Vehicle Movement Service. (PLEASE NOTE: SELECT THE 'ORAL OR BY CONDUCT DECLARATION OPTION' ONLY.)

These types of declaration must only be used when appropriate and for eligible goods. https://www.gov.uk/government/publications/list-of-goods-applicable-to-oral-and-by-conduct-declarations

If your goods do not meet these criteria, you must not use the oral or by conduct to create your goods movement reference. If you do your journey may be delayed and you may incur a penalty.

In some cases, you may need to complete a safety and security declaration, where you must indicate if your goods are moving under contract of carriage (the service will give more information on how to do this). https://www.gov.uk/guidance/check-if-you-need-to-make-an-entry-summary-declaration

Not every port will accept declaring goods orally or by conduct. You should check with your carrier before moving the goods

Of course, preparers with three or four cars aboard and with short-tempered, paying, drivers awaiting them at the circuit may approach the above more nervously than most……..

Further thoughts 3: race cars on trailers

Some commentators have reported that EU Customs' officials take a 'dim view' of cars on trailers.

The regulations provide for Regulatory relief for 'means of transport' (Art 138(1)(a) and 212) and 'sporting goods'(Art 139(1)(b) and 219) with no distinction or stipulation in relation to their method of importation. The method of importation is not specified, and it is therefore not up to Customs' officers to deny regulatory relief on such grounds. Having copies of these regulations to hand may assist, as is the fact that English is the principal language of EU regulations.

As is clear from this paper, I would recommend that an oral declaration is made except in the case of UK road registered vehicles (even if towed) which are to be used only by non-EU resident people whilst in the EU.